

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

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METROPOLITAN TOWER LIFE  
INSURANCE COMPANY,

Plaintiff,

v.

KATHERINE K. McARTHUR, et al.,

Defendants.

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Case No. 3:22-cv-02861-B

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**ANSWER OF DEFENDANT MARILYN McARTHUR**

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Defendant Marilyn McArthur (“Marilyn”), through undersigned counsel, hereby answers the Complaint in Interpleader (ECF No. 1) of Plaintiff, Metropolitan Tower Life Insurance Company (“MetLife Tower”), according to its numbered paragraphs, as follows:

NATURE OF THE ACTION

1. Marilyn admits the allegations of Paragraph 1, with the exception that she is without sufficient information to admit or deny that the policy was issued to Claire L. McArthur, III, M.D., to the extent the phrase “issued to” means he was the policy’s owner.

PARTIES

2. Marilyn admits the allegations of Paragraph 2.

3. Marilyn admits the allegations of Paragraph 3.

4. Marilyn admits that she is the former spouse of Claire L. McArthur, III, M.D., but denies that she resides in Arizona as she now resides in New Mexico.

JURISDICTION AND VENUE

5. Marilyn admits that this Court has subject matter jurisdiction. Further answering, Marilyn believes the Court may also have federal question jurisdiction pursuant to 28 U.S.C. § 1331 to the extent the subject policy is part of a defined benefit plan governed by ERISA.

6. Marilyn admits the allegations of Paragraph 6.

FACTUAL BACKGROUND

7. Marilyn is without sufficient information to admit or deny the allegations of Paragraph 7.

8. Marilyn admits the allegations of Paragraph 8.

9. Marilyn admits the allegations of Paragraph 9. Moreover, Exhibit “A” speaks for itself.

10. Marilyn admits that Katherine McArthur submitted a claim for the death benefit, but denies the remaining allegations of Paragraph 10. Moreover, Exhibit “B” speaks for itself.

11. Marilyn admits the allegations of Paragraph 11. Moreover, Exhibit “C” speaks for itself.

12. Marilyn admits the allegations of Paragraph 12.

13. Marilyn admits the allegations of Paragraph 13.

CAUSE OF ACTION IN INTERPLEADER

14. Marilyn admits the allegations of Paragraph 14.

15. No answer is required in response to the allegations of Paragraph 15.

16. No answer is required in response to the allegations of Paragraph 16.

All allegations in MetLife Tower's Complaint in Interpleader (ECF No. 1) not expressly admitted or addressed are hereby denied. Marilyn reserves the right to amend and supplement this answer pursuant to Rule 15 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Defendant Marilyn McArthur prays for Judgment in her favor, costs, interest, attorney's fees to the extent authorized by law, and any other relief deemed just and proper.

DATED this 14<sup>th</sup> day of March, 2023.

Respectfully submitted,

/s/Michael J. Hoover

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*Attorney for Defendant Marilyn McArthur*

**CERTIFICATE OF SERVICE**

☒ I hereby certify that on March 14, 2023, I electronically transmitted the foregoing and any attached documents to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

/s/ Michael J. Hoover

Michael J. Hoover